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09/923,557	08/07/2001	Masami Kato	1232-4748	2892

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EXAMINER

CHANKONG, DOHM

ART UNIT PAPER NUMBER

2152

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,557

Applicant(s)

KATO ET AL.

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1> This action is in response to Applicant's amendment and remarks, filed 11.21.2005.

Claims 31-51 were withdrawn in a response to a restriction requirement. Claims 7-8 and 21-22 are cancelled. Claims 1-6, 9-20 and 23-30 are presented for further examination.

2> This is a final rejection.

Information Disclosure Statement

3> The information disclosure statement (IDS) submitted on 3.11.2002 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

4> Applicant's arguments with respect to claims 1-6, 9-20 and 23-30 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's substantial amendment of the claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5> Claims 6 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 6 is rejected for lacking proper antecedent basis: "the clarity"
- b. Claim 10 is rejected for lacking proper antecedent basis: "the intensity".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6> Claims 1, 4, 11-15, 18 and 25-30 are rejected under 35 U.S.C § 102(b) as being unpatentable over Suzuki et al, U.S Patent No. 5,736,982 ["Suzuki"].

7> As to claim 1, Suzuki discloses a distributed system having a server device connected with, through a communication network, a plurality of user terminal devices each having means for image-taking means, means for user status recognition and means for displaying, the server comprising:

first receiving means for receiving status information of a first user including a

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pictorial image of the first user from a first one of the plurality of user terminal devices

[column 2 «lines 30-39»: “requests the other terminals or a server for video images of the other avatars”];

second receiving means for receiving a request of a second user requesting the pictorial image of the first user from a second one of the plurality of user terminal devices [column 2 «lines 30-39» | column 4 «lines 18-56»];

determining means for determining an interuser distance between the first one of the plurality of user terminal devices and the second one of the plurality of user terminal devices based on a predetermined rule [column 5 «lines 18-33» | column 6 «lines 10-21»];

processing means for processing the pictorial image of the first user based on the interuser distance determined at said determining means [column 20 «lines 4-31»]; and

transmitting means for transmitting the pictorial image of the first user processed at said processing means to the second one of the plurality of user terminal devices [column 20 «line 4» to column 21 «line 15»].

8> As to claim 4, Suzuki discloses each of said plurality of user terminal devices is within a virtual space, and said interuser distance is a distance in terms of said virtual space [column 20 «lines 4-31»].

9> As to claim 11, Suzuki discloses means for user status recognition comprises means for input status recognition for recognizing the status of input from each user of said plurality of user terminal devices [column 5 «lines 34-49»];

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means for terminal operating status recognition for recognizing the operating status of each of said plurality of user terminal devices [column 6 «lines 10-21 and 40-58»]; and

means for image recognition for recognizing the pictorial image of the first user taken by means for image-taking of each of said plurality of user terminal devices [column 22 «lines 46-57»], and said distributed system further comprising means for control for changing said interuser distance in accordance with user status obtained by at least one said means for input status recognition, said means for terminal operating status recognition, and means for image recognition [column 6 «lines 40-58»].

10> As to claim 12, Suzuki discloses:

means for designated interuser distance input for inputting a designated interuser distance by a user operation, wherein said means for control controls said interuser distance to turn into said designated interuser distance when said designated interuser distance is inputted by said means for designated interuser distance input [column 6 «lines 40-58»].

11> As to claim 13, Suzuki discloses said user status recognition means is provided either for said user terminal device or said server device [column 6 «lines 10-21 and 40-58»].

12> As to claim 14, Suzuki discloses said control means is provided either for said user terminal device or said terminal device [column 5 «lines 34-49»].

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13> As to claims 15, 18 and 25-30, as they do not teach or further define over the previously claimed limitations, they are similarly rejected for at least the same reasons set forth for claims 1, 4 and 11-14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14> Claims 2, 3, 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Flohr et al, U.S Patent No. 5,534,914 ["Flohr"].

15> As to claims 2 and 3, Suzuki does not expressly disclose an organization having plural places of duty and the interuser distance is a distance in terms of said organization or that the interuser distance is a physical distance.

Flohr discloses distributed system (e.g. a distributed video conferencing system within an organization which is divided into divisions as shown in fig. 8) wherein

- each of said user terminal devices (101 & 111) is within in an organization (complete local area network of fig. 8) having plural places of duty (e.g. different work groups within a LAN, each work group on a separate floor, col. 12 ll. 49-65), and

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- interuser distance between one of said user terminal devices(101) and said other user terminal device (111) is the distance in terms of organization (e.g. components – 101-110 determine a distance and allow display of images of one user on another users device; See col. 13 ll. 1-20, col. 14 ll. 66-col. 15 ll. 17)

All of the steps above are performed in order to enable the user terminals, such as those in the Suzuki's to enter a distributed video conference system with any other user terminal which are all connected within a common group and within differing locations (see Flohr col. 5 ll. 6-10, col.5 ll. 14-22).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify Suzuki by having organization having plural places of duty, as taught by Flohr in order to enable Suzuki's user terminals to enter a distributed video conference system with any other user terminal which are all connected within a common group and within differing locations (see col. 5 ll. 6-10, col.5 ll. 14-22).

16> In regards to claim 3, Suzuki discloses a distributed system according to Claim 1, with an interuser distance but does not expressly disclose a physical distance.

Flohr discloses using a physical distance (e.g. using the location of a group of users on separate LANS and sending image of each users to all other users in a video conference, See col. 13 ll. 1-20, col. 14 ll. 66-col. 15 ll. 17).

See rejection of claim 2 for combination reasoning and motivation.

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17> As to claims 16 and 17, as they do not teach or further define over the previously claimed limitations, they are similarly rejected for at least the same reasons set forth for claims 2 and 3, respectively.

18> Claims 5, 6, 9, 10, 19, 20, 23 and 24 are rejected under 35 U.S.C § 103(a) as being unpatentable over Suzuki.

19> As to claim 5, Suzuki does not expressly disclose a filtering means for filtering the image. However, Suzuki does disclose modifying the images based on the interuser distance, modifying including reducing the quality of the image [column 2 «lines 30-39»]. Such a modification of the image is analogous to filtering the image. Thus it would have been obvious to one of ordinary skill in the art to interpret Suzuki's modification of the image as reading on the functionality of "filtering the image".

20> As to claim 6, Suzuki discloses wherein the interuser distance is determined to be smaller as the clarity of the pictorial image of the first user becomes higher [column 20 «lines 11-16»].

21> As to claim 9, Suzuki does not expressly disclose a mosaic treatment and a gradation treatment of the image. However, Suzuki does disclose utilizing one method of image treatment process for reducing the image quality based on the interuser distance [column 20 «lines 32-53»]. Mosaic and gradation treatments are well known in the art for reducing the

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quality of an image and thus are merely obvious variations of the method utilized by Suzuki. Thus, it would have been obvious to one of ordinary skill in the art to have implemented the mosaic and gradation treatment in Suzuki to reduce the quality of the image.

22> As to claim 10, Suzuki discloses wherein the intensity of said filtering at said filtering means becomes increased as said interuser distance becomes increased [column 20 «lines 3-53» where : the images' quality is reduced the further the distance the users are from each other].

23> As to claims 19, 20, 23 and 24, as they do not teach or further define over the previously claimed limitations, they are similarly rejected for at least the same reasons set forth for claims 5, 6, 9 and 10, respectively.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:00 AM to 5:00 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



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SUPERVISORY PATENT EXAMINER